

SAVIO X. SOARES
ADVOCATE

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OPINION ON TITLE

This Opinion on Title is given by me, to **BUILDHIGH INFRA LLP**, having its office at the Ground Floor, Shop No. 2, Plot No. 23, Block No. 7, Kirti Nagar, New Delhi - 110015, which opinion is based on the Xerox copies of documents, made available to me for scrutiny (on the premises that the said documents are genuine, authentic and its contents are accurate and correct and I disclaim responsibility in the event of any false or incorrect or incomplete information arising out of the said documents), pertaining to the SAID PROPERTY, described herein below.

DESCRIPTION OF THE SAID PROPERTY :

ALL THAT PROPERTY presently bearing survey no. 5/4-A of Anjuna Village, admeasuring 1535 square meters, now a Separate, independent, distinct property, which was earlier a part of survey No. 5/4 of Anjuna Village and was forming part of the larger property known as "CUDCHEM BATA' or "KUTCHEM" BHAT", described in the Land Registration Office of Bardez under No. 25514 at page 192 overleaf of Book B-65, not found enrolled in the Taluka Revenue Office, recorded in the Old Cadastral Survey under no. 5432 of Anjuna Village, situated at Anjuna, within the limits of Village Panchayat of Anjuna,



Taluka and Sub-District of Bardez, District of North-Goa, in the State of Goa, which property bearing Survey No. 5/4-A of Anjuna, is presently bounded as under:

On the **North**: By the property bearing Survey No. 5/4,
Survey No. 5/2 and 5/3 of Anjuna Village.

On the **South**: By the property bearing Survey No. 5/4, of
Anjuna Village and a Public road.

On the **East**: By the property bearing Survey No. 5/3, 5/10
and 5/4 of Anjuna Village.

On the **West**: By the property bearing Survey No. 5/4,
of Anjuna Village and a Public road, which
property shall hereinafter be referred to as the SAID PROPERTY,
for the sake of brevity.

II. DOCUMENT PERUSED:

1. Certificate of Description bearing No. 25514 at page 192 overleaf of Book B-65 with its inscription bearing No. 29649 at folio 148 reverse of Book G 34 alongwith its English translation.
2. Old Cadastral Survey plan of No. 5432 of Anjuna Village.
3. Auto do Demarcasao of Old Cadastral Survey plan of No. 5432 of Anjuna Village alongwith its English Translation.
4. Registo do Agreemensor of Old Cadastral Survey plan of No. 5432 of Anjuna Village alongwith its English Translation.
5. Extract of Register of Proprietors of Old Cadastral Survey plan of No. 5432 of Anjuna Village alongwith its English Translation.



6. Corresponding Certificate dated 19/08/2021 issued by the Superintendent of Survey and Land Records, Panaji, Goa.
7. Survey Plan of survey no. 5/4 of Anjuna Village.
8. Form III of survey no. 5/4 of Anjuna Village.
9. Manual Form I & XIV of survey no. 5/4 of Anjuna Village.
10. Records of Inventory Proceedings bearing No. 413/2012 before the Court of the Civil Judge Senior Division at Mapusa upon the death of Gertrudes Joaquim Vicente Paulo Nunes, Natividade Pedrinha de Souza Gomes Nunes and Alice Nunes.
11. Power of Attorney dated 22/09/2012 of Ms. Jennifer Philomena Nunes.
12. Power of Attorney dated 22/09/2012 of Ms. Yvonne Ann Nunes.
13. NOC dated 27/08/2021 bearing Ref. No. NOC/49(6)/1759/ANJ/TCP-21/3589 from the Senior Town Planner, Mapusa- Goa.
14. Deed of Sale Dated 14/10/2021, bearing registration No. BRZ-1-3685-2021 of the Sub-Registrar of Bardez.
15. Deed of Right of way dated 09-11-2022, executed before the Notary Public, Adv. Madhumita Salatry.
16. Partition Order in the Case bearing No. ISLR/PART/BAR/ANJ/538/2021 before the Inspector of Survey and Land Records. Mapusa, Bardez, Goa dated 25/03/2022.
17. Form I & XIV of the property bearing Survey No. 5/4-A of village Anjuna.
18. Survey Plan of the property bearing Survey No. 5/4-A of village Anjuna.



19. Conversion Sanad dated 01/12/2022, issued by the Additional Collector III of North-Goa.
20. Nil Encumbrance Certificate dated 2/12/2022, issued by the Sub-Registrar of Bardez.
21. The Navhind Times newspaper dated 10-03-2023.
22. O Heraldo newspaper dated 10-03-2023.
23. Application dated 27/4/2023 filed in Inventory Proceeding No. 413/2012/C.
24. Application dated 20/5/2023 filed in Inventory Proceeding No. 413/2012/C alongwith copies of Demand Drafts, of owelty monies deposited in the said inventory proceedings.
25. Zoning certificate dated 06/07/2023.
26. Deed of Sale dated 14/11/2023, registered with the Sub-Registrar of Bardez under No. BRZ-1-5485-2023, on 15-11-2023.
27. Form I & XIV of survey no. 5/4-A of Anjuna Village dated 03/04/2024.
28. Form I & XIV of survey no. 5/4-A of Anjuna Village dated 16/11/2024.

III. FACTS AS AVAILABLE:

1. The said property presently bearing survey no. 5/4-A of Anjuna Village, admeasuring 1535 sq. mts., was a part of the property surveyed in the new survey under survey No. 5/4 of Village Anjuna, which property was earlier part of a larger property described in the Land Registration Office of Bardez under No. 25514 at page 192 overleaf of Book B-65, surveyed in the Old Cadastral survey of Anjuna



Village under No. 5432, situated in the village of Anjuna, within the jurisdiction of the Village Panchayat of Anjuna, Taluka and Registration Sub-District of Bardez, District North Goa, State of Goa, as can be seen from the records available.

2. That the larger property described in the Land Registration Office of Bardez under No. 25514 at page 192 overleaf of Book B-65 and surveyed in the Old Cadastral survey of Anjuna Village under No. 5432, hereinafter referred to as the "SAID LARGER PROPERTY", was surveyed in the new promulgated survey records, as two properties, bearing survey no. 5/4 and 89/1 of Anjuna Village, as seen from the joint reading of the description No. 25514, the old cadastral survey records of No. 5432, the new survey records of survey no. 5/4 and the corresponding certificate dated 19/08/2021, and the property bearing survey no. 5/4 of Anjuna Village is a part of the SAID LARGER PROPERTY described in the Land Registration Office of Bardez under No. 25514 at page 192 overleaf of Book B-65 and surveyed in the old Cadastral survey under no. 5432 of Anjuna.
3. That the SAID LARGER PROPERTY belonged to Gertrudes Joaquim Vicente Paulo Nunes, son of Boaventura Paulo Vicente Teodorio Nunes and Ana Rita Victoria Conceicao de Souza and his name is found recorded in the old cadastral survey records of the SAID LARGER PROPERTY under No. 5432 of Village Anjuna and also the SAID



LARGER PROPERTY is found inscribed in his name under no. 29649 at folio 148 reverse of Book G 34.

4. That the new promulgated survey records of the property bearing survey no. 5/4 of Anjuna Village is also found recorded in the name of Getrudes Joaquim Vicente Paul Nunes, thereby confirming the possession and title of the said Gertrudes Joaquim Vicente Paulo Nunes to the property bearing survey no. 5/4 of Anjuna Village, which includes the said property bearing survey no. 5/4-A of Anjuna Village.
5. That the said Gertrudes Joaquim Vicente Paulo Nunes was married in his first nuptials to Mrs. Natividade Pedrinha de Souza Gomes Nunes who passed away on 28/03/1953 and he was married in his second nuptials to Mrs. Alice Nunes who expired on 24/10/1982, while the said Gertrudes Joaquim Vicente Paulo Nunes expired on 28/06/1975, as found recorded in the Inventory Proceedings bearing No. 413/2012 of the Court of the Civil Judge Senior Division at Mapusa Goa.
6. That the said Gertrudes Jonquim Vicente Paulo Nunes out of his first marriage to Mrs. Natividade Pedrinha de Sotiza Gomes Nunes, had two children, namely (1) Teodorio Elizabeth Vicente Paulo Nunes alias Teddy Nunes married to Lourdes Nunes, and (2) Yvonne Ann Nunes, a spinster, and the said Gertrudes Joaquim Vicente Paulo Nunes and out of his second marriage to Mrs. Alice Nunes, had two children, namely, (1) Jennifer



Philomena Nunes, a divorcee and (2) Kenneth Philip Nunes, who expired on 27/03/1982 in the status of bachelor, as found in recorded the Inventory Proceedings bearing No. 413/2012 of the Court of the Civil Judge Senior Division at Mapusa - Goa.

7. That upon the death of the said Gertrudes Joaquim Vicente Paulo Nunes alias Gertrocio Nunes and his First wife, Mrs. Natividade Pedrinhadade Souza Gomes Nunes and his second wife, Mrs. Alice Nunes, an Inventory Proceedings bearing No. 413/2012 was initiated before the Court of the Civil Judge Senior Division at Mapusa - Goa by the said Teodorio Elizabeth Vicente Paulo Nunes alias Teddy Nunes, wherein, it stands established vide the statement on oath that, Mr. Teodorio Elizabeth Vicente Paulo Nunes alias Teddy Nunes married to Lourdes Nunes, Miss. Yvonne Ann Nunes, a spinster, and Ms. Jennifer Philomena Nunes, a divorcee, were the sole and universal surviving heirs of the late Gertrudes Joaquim Vicente Paulo Nunes alias Gertrocio Nunes, late Mrs. Natividade Pedrinhadade Souza Gomes Nunes and late Mrs. Alice Nunes and the SAID LARGER PROPERTY (survey no. 5/4 and 89/1 of Anjuna Village), which was listed at ItemNo.2 in the final list of assets therein, came to be allotted exclusively to Teodorio Elizabeth Vicente Paulo Nunes alias Teddy Nunes married to Lourdes Nunes, in terms of the Chart of Allotment dated 15/03/2014, which was confirmed vide Judgment and Order dated 08/04/2014 passed in the said Inventory Proceedings bearing No. 413/2012.



8. That the amounts due towards the share of the other heirs of the late Gertrudes Joaquim Vicente Paulo Nunes alias Gertrocio Nunes, Mrs. Natividade Pedrinha de Souza Gomes Nunes and Mrs. Alice Nunes, in the Inventory Proceedings bearing No. 413/2012, towards dowelty monies, were subsequently deposited in the Court of the Civil Judge Senior Division at Mapusa Goa by the said Teodorio Elizabeth Vicente Paulo Nunes alias Teddy Nunes, in the Inventory Proceedings bearing No. 413/2012, as seen from the records provided.
9. That the Said Teodorio Elizabeth Vicente Paulo Nunes alias Teddy Nunes and his wife Lourdes Nunes thus came to be the sole owners of the SAID LARGER PROPERTY (survey no. 5/4 and 89/1 of Anjuna Village), which included the said property, by way of inheritance.
10. That the said Teodorio Elizabeth Vicente Paulo Nunes alias Teddy Nunes and his wife Lourdes Nunes, on obtaining a NOC dated 27/08/2021 bearing Ref. No. NOC/49(6)/1759/ANJ/TCP-21/3589, from the Senior Town Planner, Mapusa-Goa, representing to be the sole owners of the property bearing survey no. 5/4 of Anjuna Village, sold to Villaggio Estates LLP, a part of the property bearing survey no. 5/4 of Anjuna Village (which was part of the SAID LARGER PROPERTY), admeasuring 1535 sq. mts., bearing survey no. 5/4 (part) of Anjuna Village, Bardez, Goa, vide the Deed of Sale dated 14-10-2021, duly registered with the Sub-Registrar of Bardez under registration no. BRZ-1-3685-2021, Book-1



document, on 14-10-2021, which property is herein referred to as the said property.

11. That the said Villaggio Estates LLP, thereafter as the owner of the said property, having acquired the said property, admeasuring 1535 sq. mts., bearing survey no. 5/4(Part) of Anjuna Village, vide the Deed of Sale dated 14-10-2021, applied for partition of the said property from the property bearing survey no.5/4 of Anjuna Village, under case no. ISLR/PART/BAR/ANJ/538/2021, with the Office of the Inspector of Survey and Land Records, Mapusa which said property, admeasuring 1535 sq. mts., bearing survey no.5/4 (Part) of Anjuna Village and allotted a separate, independent survey no.5/4-A of Anjuna Village, admeasuring 1535 sq. mts., vide Order dated 25-03-2022, of the Inspector of Survey and Land Records, Mapusa.
12. That the survey records i.e. the Form I & XIV of the Said Property accordingly stood exclusively recorded in the name of Villaggio Estates LLP, raising a presumption that the said Villaggio Estates LLP was the sole owner and in exclusive possession of the said property, bearing survey no.5/4-A of Anjuna Village.
13. That Villaggio Estates LLP has obtained a Conversion sanad for the said property bearing survey no.5/4-A of Anjuna Vilage, which had been issued by the Additional Collector III North- Goa, on 01-12-2022, which confirms



that the said Villaggio Estates LLP is in absolute and exclusive possession of the said property.

14. That the Sub-Registrar of Bardez has issued a Nil Encumbrance Certificate dated 02/12/2022, certifying that there are no encumbrances on the said property, till 01/12/2022.
15. That a Public Notice by myself in the Navhind Times and O Heraldo edition of 10-03-2023, calling for objections, if any, to the sale of the said property, has not received any response or objections during the period mentioned therein.
16. That thereafter the said Villaggio Estates LLP, representing to be the sole owner of the said property, sold, conveyed and transferred the said property to Buildhigh Infra LLP, vide a Deed of Sale dated 14/11/2023, duly registered with the Sub-Registrar of Bardez, under registration no. BRZ-1-5485-2023, on 15/11/2023 and thus the said Buildhigh Infra LLP, came to own the said property.
17. That the said Buildhigh Estates LLP, thereafter as the sole owner of the said property got its name mutated in the survey records (Form I & XIV) of the said property as its sole occupant, vide mutation no. 92998 and thus it can be presumed that the said Buildhigh Infra LLP is the sole occupant and owner of the said property, by virtue of the aforesaid Deed of Sale dated 14/11/2023 in its favour



alongwith the corresponding survey records having been recorded exclusively in its name.

18. That the present Form I & XIV of the said property does not show any entry of any name in the tenants column and/ or the other rights column of the Form I & XIV of the said property, thus raising a presumption that there are no tenants or other rights holders of or to the said property.
19. That therefore from the facts and circumstances brought out from the contents of the documents referred to herein above, the representations of the parties and the fact that the documents cited hereinabove have remained unchallenged till date, it can be concluded, that Buildhigh Infra LLP is presently entitled to the said property, bearing Survey no. 5/4-A of Anjuna Village, admeasuring 1535 sq. mts., as owner thereof, by title and prescription.

IV. OBSERVATION/INSTRUCTIONS:

1. The documents cited at serial no. II hereinabove are required to be checked/ compared with the originals/ records maintained by the authorities to confirm their genuineness.
2. Latest/ upto date, Nil Encumbrance Certificate of the said property is required to be obtained.



II. NOTE:

The accuracy of this opinion/report on title necessarily is based solely on the documents furnished to me and the information provided to me during the course of my discussions, being true, complete and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or suppression of facts or documents or incorrect or incomplete information arising out of the documents, responses and other information furnished to me. This opinion does not pertain to the accesses or developmental aspects of the said property. I have not visited the said property neither do I possess any information on encroachments, if any. I have not looked into any aspect of the said property other than its title and my opinion does not relate to any aspect of the said property other than its title. I have not looked into the legality of the structures, if any, standing on the said property. I have not conducted any positive searches or negative searches, beyond the documents furnished and mentioned hereinabove and this opinion is based on the aforesaid documents.



VI OPINION ON TITLE:

Therefore, on the basis of the scrutiny of the above listed documents, the information provided and representations made by the party and in view of the foregoing discussion and observations, I opine, that BUILDHIGH INFRA LLP, is presently the owner of the said property bearing Survey No.5/4-A of Anjuna Village, admeasuring 1535 sq. mts., by title and prescription and its title thereto is marketable, subject to Buildhigh Infra LLP, obtaining/ providing the latest Nil Encumbrance Certificate.

Place: Mapusa-Goa

Date: 16/11/2024


Adv. Savio X. Soares